THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.29658 of 1995

Date: 24.11.2006

Between:

A. Venkatasubba Reddy and two others.

... Petitioners

and

Govt. of A.P. rep., by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad and two others.

...

Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.29658 of 1995

ORDER:

On 14.11.2006 the writ petition was heard in part and it was directed to be listed on 18.11.2006 under the caption "for judgment". On 18.11.2006 since the learned Government Pleader for Revenue was not present the matter was adjourned. Today also neither is the learned Government Pleader present nor is there any representation on his behalf. No counter affidavit has been filed on behalf of the respondents either.

The only contention which Sri K.Venugopal Reddy, learned counsel for the petitioners would urge before this Court is that since the power of revision under Section 264 of the A.P. Panchayat Raj Act, 1994 is an exercise of statutory power, the authority is required to assign reasons. Learned counsel would submit that the impugned order dated 6.12.1995 is bereft of reasons and none of the contentions raised by the petitioner has been considered by the revisional authority. Learned counsel would refer to the contents of the affidavit filed in support of the writ petition to submit that while the petitioners, villagers of Guntikadipalli village, Ontimitta Mandal, Cuddapah District, had submitted that Thopu Poramboke in Sy.No.274 was a vertical field and breadth was about 100 feet and the land was used for taking manure to the fields and other purposes and if these land was withdrawn from the limits of the Gram Panchayat and assigned to

landless poor or any other persons, it would create lot of hardship to the pattedars and assignees and that would spoil the atmosphere of the village. It is also stated that the patta lands are situated on all four sides of this Poramboke land.

The impugned order does not deal with any of the contentions. Section 264 of the A.P. Panchayat Raj Act, 1994 reads thus:

264: Power of Review and Revision by Government:-

(1) The Government may, either suo motu or on application from any person interested, call for and examine the record of a gram panchayat, Mandal Parishad or a Zilla parishad or of its Standing Committees or of any authority, officer or person, in respect of any proceeding to satisfy themselves as to regularity of such proceeding or the correctness, legality or propriety of any decision or orders passed therein and, if in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass orders accordingly.

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending exercise of their powers under sub-section (1) in respect thereof.

(3) The Government may suo motu at any time or on an application received from any person interested within ninety days of the passing of an order under sub-section (1), review any such order if it was passed by them under any mistake, whether of fact or of law, or in ignorance of any material fact.

The provisions contained in proviso to sub-section (1) and in sub-section (2) hall apply in respect of any proceeding under this sub-section as they apply to a proceeding under sub-section (1).

(4) Every application preferred under sub-section (1) shall be accompanied by a fee of fifteen rupees"

It is clear therefrom that the government is empowered, on an application from a person interested, to call for and examine the records to satisfy itself as to the regularity of such proceedings or the correctness, legality or propriety of any decision or order passed therein. The satisfaction of the Government in this regard is not reflected in the impugned order. The order is bereft of reasons, reveals non-application of mind and is accordingly set

aside. The 1st respondent shall consider the revision petition filed by the petitioners herein in accordance with law and pass an order assigning reasons within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. However, in the circumstances without costs.

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24-11-2006

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